UNITED NATIONS

CCPR

International Covenant on Civil and Political Rights

Distr.
GENERAL

CCPR/C/SR.1206
26 March 1993

ORIGINAL: ENGLISH

HUMAN RIGHTS COMMITTEE

Forty-seventh session

SUMMARY RECORD OF THE 1206th MEETING

Held at Headquarters, New York,
on Monday, 22 March 1993, at 10.30 a.m.

Temporary Chairman: Mr. HOUSHMAND (Representative of the Secretary-General)

Chairman: Mr. ANDO

CONTENTS

Opening of the session by the representative of the Secretary-General

Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant

Election of the Chairman and other officers of the Committee

Adoption of the agenda

Organizational and other matters

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. The TEMPORARY CHAIRMAN declared open the forty-seventh session of the Human Rights Committee.

2. Speaking on behalf of the Secretary-General, he said that there had been several developments of special importance for human rights since the forty-sixth session of the Committee drew attention, in particular, to General Assembly resolutions 47/111 and 47/147. The first of those resolutions, on the effective implementation of international human rights instruments, requested that the study on possible long-term approaches to enhancing the effective operation of existing and prospective human rights treaty bodies be updated for submission to the Commission on Human Rights at its fiftieth session and that an interim report be presented to the General Assembly at its forty-eighth session and be made available to the World Conference on Human Rights in June 1993.

3. Resolution 47/147, on the situation of human rights in the territory of the former Yugoslavia, welcomed the Committee's consideration in November 1992 of the special reports from the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia and Bosnia and Herzegovina and noted with concern the Committee's comments on the human rights situation in those countries. In that connection, he drew attention to Security Council resolution 808 (1993) on the establishment of an international war crimes tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

4. The General Assembly had also adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, to which it had invited treaty bodies to give due regard within their mandates.

5. Members of the Third Committee had particularly commended the Human Rights Committee for its decision to adopt concluding comments on States' reports, reflecting the view of the Committee as a whole. The Committee's general comments on articles 7 and 10 of the Covenant had been welcomed and it had been urged to formulate comments on article 27 as well.

6. Turning to the forthcoming World Conference on Human Rights, the provisional agenda for the Conference had been approved by the General Assembly, and the Preparatory Committee for the Conference would be meeting shortly to take up, inter alia, the question of the final document and the outcome of the World Conference, taking into consideration the preparatory work and conclusions of the various regional and many satellite meetings. The Conference agenda included a general debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in that area. Other items concerned the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights, and contemporary trends in and new challenges to the full realization of all human

(The Temporary Chairman)

rights of women and men, including those of persons belonging to vulnerable groups.

7. The World Conference was expected to make recommendations for strengthening international cooperation in the field of human rights, ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, enhancing the effectiveness of United Nations activities and mechanisms and securing the necessary financial and other resources for United Nations activities in the area of human rights. As the chairpersons of the treaty-monitoring bodies had been invited to represent their committees at the next meeting of the Preparatory Committee, he suggested that members of the Human Rights Committee should consider at their current session any further recommendations they might have regarding the preparatory process for the World Conference.

8. At its recently concluded forty-ninth session, the Commission on Human Rights had commended the Committee's decision to examine at short notice the human rights situation in the former Yugoslavia and had, by its resolution 1993/7, requested all United Nations bodies, including treaty bodies, to cooperate fully with the Special Rapporteur on the former Yugoslavia and to provide him on a continuing basis with all relevant information in their possession on the situation of human rights in the former Yugoslavia. In its resolution 1993/15 on the International Covenants, the Commission had commended the Committee's efforts to improve its methods of work and had urged States parties to the International Covenant on Civil and Political Rights, in implementing the provisions of that Covenant, to take due account of the Committee's concluding observations and to disseminate at the national level not only their reports to the Committee but also the summary records of the Committee's meetings at which those reports had been examined.

9. Reviewing the recent activities of other human rights treaty bodies and activities under the advisory services programme of the Centre for Human Rights, he recalled that, at its seventh session in December 1992, the Committee on Economic, Social and Cultural Rights had decided that, when it was unable to obtain additional information requested from States parties, it could, in certain special circumstances, request the State party concerned to accept a visiting mission, consisting of one or two members of the Committee, whose purpose would be to collect the necessary information and to provide a more comprehensive basis for the exercise of the Committee's functions, under the corresponding Covenant, relating to the provision of technical assistance and advisory services. That procedure had already been initiated in respect of two States parties. The Committee had also expressed strong support for an optional protocol to the International Covenant on Economic, Social and Cultural Rights allowing for the submission of communications in respect of some or all of the rights recognized in that Covenant.

10. At its third session in January 1993, the Committee on the Rights of the Child had considered reports from States parties for the first time and had drawn up lists of issues for discussion with State representatives. Both that Committee and the Committee on Economic, Social and Cultural Rights had decided to follow the example of the Human Rights Committee and to issue concluding

(The Temporary Chairman)

observations after the consideration of each report, reflecting the main points of the discussion and indicating issues that would require a specific follow-up.

11. He was pleased to report that the Committee on the Elimination of Racial Discrimination had been able to hold its spring session in early March 1993. The financial difficulties which had plagued that Committee since 1986, causing it to cancel or curtail a number of its sessions, appeared to be coming to an end. If the amendment to the funding provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, approved by the General Assembly at its forty-seventh session, was formally accepted by two thirds of the States parties, financing from the regular budget could begin with effect from the 1994-1995 biennium. The activities of the Committee against Torture were also expected, eventually, to be financed entirely from the regular budget of the United Nations.

12. Lastly, he informed the Committee that, under its advisory services activities, the Centre for Human Rights had recently organized or helped to organize several workshops and training courses. Among forthcoming activities planned by the Centre, he drew attention to a training course on human rights education in Burundi, a training course for police academy instructors and a workshop on human rights and conflict resolution between citizens and State organs in Romania, and a training course for judges and lawyers on the administration of justice in Albania.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 38 OF THE COVENANT

13. Mr. Aguilar, Mr. Bruni Celli, Ms. Evatt, Mr. Fodor, Mr. Francis, Mrs. Higgins, Mr. Lallah, Mr. Mavrommatis and Mr. Pocar solemnly undertook to discharge their duties as members of the Human Rights Committee impartially and conscientiously.

ELECTION OF THE CHAIRMAN AND OTHER OFFICERS OF THE COMMITTEE

14. Mr. POCAR nominated Mr. Ando for the office of Chairman, Mr. Dimitrijević, Mr. El-Shafei and Mr. Wennergren for the offices of Vice-Chairmen, and Mr. Aguilar for the office of Rapporteur. He observed that the nominations reflected the consensus of the Committee.

15. Mr. Ando was elected Chairman, Mr. Dimitrijević, Mr. El-Shafei and Mr. Wennergren were elected Vice-Chairmen, and Mr. Aguilar was elected Rapporteur by acclamation.

16. Mr. Ando took the Chair.

ADOPTION OF THE AGENDA (CCPR/C/85)

17. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS

18. The CHAIRMAN drew attention to the provisional programme of work distributed to the members of the Committee.

19. Mr. DIMITRIJEVIĆ observed that there seemed to be very little awareness among non-governmental organizations that the Committee had begun the practice of adopting formal comments on each report it considered. The Committee should consider ways of making those comments public as soon as possible after their adoption, for instance, in a press conference by the Chairman at the end of each session.

20. The CHAIRMAN pointed out that the Committee's comments were regularly made available in the CCPR/C/79 series, of which Adds.1 to 14 had been issued thus far, but said that further thought could be given to publicizing them more extensively.

21. Mr. SADI suggested that the Committee might adopt a practice, similar to that of the Committee on Economic, Social and Cultural Rights, of designating a visiting mission to the field when a State party's report was unsatisfactory or had not been submitted.

22. The CHAIRMAN said that that suggestion could be taken up at a later meeting, under the item on submission of reports by States parties.

23. After a procedural discussion in which Mr. DIMITRIJEVIĆ, Mr. SADI, Mrs. HIGGINS and Ms. CHANET took part, the CHAIRMAN said he took it that the Committee decided to adopt the proposed programme of work.

24. It was so decided.

25. The CHAIRMAN invited the Chairmen of the two Working Groups to report on the activities of their Groups prior to the current session of the Committee.

26. Mrs. HIGGINS, Chairman/Rapporteur of the Working Group on communications, listed the members of the Working Group and said that it had held seven meetings between 15 and 19 March 1993. The Working Group had adopted recommendations on six views, had recommended that 10 communications be declared inadmissible and had declared five communications admissible. A further three recommendations had not been examined because of time constraints. Perhaps that could be done during the current session.

27. Mr. AGUILAR, Chairman/Rapporteur of the Working Group on article 40 of the Covenant, listed the members of the Working Group and said that it had managed to schedule only three meetings, the first of which had had to be cancelled. The Group had adopted three lists of issues, on the Dominican Republic, Guinea and Uruguay. It had also dealt briefly with issues relating to the Committee's work in general and to the World Conference on Human Rights, but had decided that those issues should be taken up in the Committee itself.

28. The CHAIRMAN said that, in keeping with past practice, the provisional lists of issues adopted by the Working Group had been sent to representatives of the countries concerned.

Lists of issues to be taken up in connection with the consideration of the reports submitted by States parties in conformity with article 40 of the Covenant

Third periodic report of the Dominican Republic (CCPR/C/70/Add.3)

Section I

29. Ms. EVATT suggested that paragraph I (d) should read: "Where reciprocity does not apply, in what way are the rights of aliens restricted as compared with those enjoyed by Dominican citizens? In particular, what right of review is available before expulsion?".

30. Mr. LALLAH said that although Ms. Evatt's suggestion was a very good one, it was perhaps too late to amend the question and transmit it to the State party. He explained for the benefit of new members that the list of issues was not restrictive and that the Committee could ask any additional oral questions it chose, regarding not only the particular issues listed but also any that had not been listed.

31. Mr. PRADO-VALLEJO observed that there was no country in the world where aliens enjoyed political rights. He therefore suggested adding a phrase such as "with the exception of political rights" in paragraph I (d). If aliens were prevented from enjoying civil rights, however, that could be raised as an issue.

32. Mr. AGUILAR said that the purpose of Ms. Evatt's suggestion was simply to ascertain how the Covenant was applied to all people living in a country, irrespective of nationality and with the exception of political rights. He suggested that I (d) should read: "With the exception of political rights, are there any limitations to the rights of foreigners as compared to the rights of nationals of the Dominican Republic?".

33. The CHAIRMAN said he took it that the Committee wished to amend paragraph I (d) as proposed by Mr. Aguilar.

34. It was so decided.

35. Mr. SADI said that the way in which the principle of reciprocity was referred to in the list of issues appeared to give it validity as the basis for reviewing that particular issue. He would like it to be clear that that was not the way it should be regarded.

36. Ms. CHANET suggested that, in paragraph I (e), the word "improved" should be replaced by "changed" in order to maintain objectivity when referring to the situation of Haitian workers.

37. It was so decided.

38. Ms. CHANET said that in the second line of paragraph I (f) the word "stay" seemed inappropriate. She suggested that the phrase "retention of Haitian workers by force" in the fourth line should be replaced by "forced labour of Haitian workers".

39. It was so decided.

40. Mr. AGUILAR suggested that the word "stay" in the second line might be replaced by "retention".

41. Mr. WENNERGREN said that the workers were presumed to have come of their own free will. More neutral wording such as "presence" would therefore be preferable.

42. Mr. AGUILAR observed that the workers were, in actual fact, retained and their presence in the Dominican Republic was not neutral. Neutral wording did not therefore provide an accurate picture of their circumstances.

43. Mr. WENNERGREN said that it was for the representatives of the Dominican Republic to tell the Committee whether or not those workers were actually being retained, hence his preference for the word "presence".

44. Mr. AGUILAR said that the question was a follow-up to the Committee's consideration of the initial report of the Dominican Republic, during which the representatives of that country had never disputed the allegations that Haitian workers were being subjected to forced labour.

45. Mr. LALLAH suggested that, instead of engaging in a substantive debate on the list of issues, members might accept them as they stood and make additional inquiries orally when the reports of the States parties concerned were presented.

46. Mr. AGUILAR reiterated that he preferred the use of the term "retention" in the second line of paragraph I (f). However, Mr. Lallah's suggestion was useful and he was prepared to adopt the lists of issues as presented.

47. The CHAIRMAN suggested that paragraph I (g) should give specific case numbers.

48. It was so decided.

49. Section I, as orally amended, was adopted.

Sections II and III

50. Sections II and III were adopted.

Third periodic report of Uruguay (CCPR/C/64/Add.4)

Section I

51. Mr. HERNDL, referring to the first line of paragraph I (b), said that the Committee should be asking for the Government's reaction to members' comments, rather than its interpretation of those comments.

52. Mrs. HIGGINS suggested that paragraph I (b) might begin with the words: "Please explain what consideration the Government has given to Committee comments ...".

53. The CHAIRMAN said he took it that the Committee wished to amend paragraph I (b) as proposed by Mrs. Higgins.

54. It was so decided.

55. Section I, as orally amended, was adopted.

Sections II and III

56. Sections II and III were adopted.

Section IV

57. Mrs. HIGGINS, referring to paragraph IV (h), said that since nothing in the Covenant or in Committee jurisprudence called for minority group representation, the question should be amended to read "How many members of minority groups are members of Parliament?".

58. The CHAIRMAN said he took it that the Committee wished to amend paragraph IV (h) as proposed by Mrs. Higgins.

59. It was so decided.

60. Section IV, as orally amended, was adopted.

Second periodic report of Guinea (CCPR/C/57/Add.2)

Section I

61. Section I was adopted.

Section II

62. Ms. EVATT said that, in paragraph II (e), the Committee should be asking about investigations conducted, not just measures taken.

63. Mr. AGUILAR observed that paragraph 106 of the second periodic report of Guinea referred to the difficulties discussed. He assumed that the measures taken included investigations, but that point could be added.

64. The CHAIRMAN suggested that, in the third line, the words "to investigate and" should be added after "regard". He took it that the Committee agreed with that suggestion.

65. It was so decided.

66. Section II, as orally amended, was adopted.

Section III

67. Section III was adopted.

Section IV

68. Mrs. HIGGINS suggested that in the second line of paragraph IV (g), the words in parentheses should be replaced by "ethnic groups, religion and language and their proportion".

69. Mr. DIMITRIJEVIĆ suggested that in the final sentence of paragraph IV (g), the words "sporadic and short-lived outbreaks of mutual suspicion" should be replaced by "events".

70. The CHAIRMAN said he took it that the Committee wished to amend paragraph IV (g) as suggested by Mrs. Higgins and Mr. Dimitrijević.

71. It was so decided.

72. Section IV, as orally amended, was adopted.

The meeting rose at 1.10 p.m.